

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NORTH AMERICAN STAINLESS)	
)	
COMPLAINANT)	
)	CASE NO.
v.)	2003-00376
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

and

TARIFF FILING OF KENTUCKY UTILITIES)	
COMPANY AND LOUISVILLE GAS AND)	CASE NO.
LOUISVILLE GAS AND ELECTRIC)	2003-00396
COMPANY FOR NON-CONFORMING)	
LOAD CUSTOMERS)	

O R D E R

On September 23, 2003, North American Stainless (NAS) filed a complaint against Kentucky Utilities Company (KU) requesting that the Commission direct KU to provide electricity to all of NAS s facilities located in Ghent, Kentucky at terms equivalent to those provided in KU s Large Commercial and Industrial Time of Day (LCI-TOD) tariff. The NAS complaint was docketed as Case No. 2003-00376. On October 8, 2003, KU was ordered to satisfy or answer NAS s complaint. KU filed its answer on October 17, 2003. Therein, among other things, KU asked for this complaint to be dismissed and that the issues raised by NAS be addressed in Case No. 2003-00396, which was opened by the Commission to consider the October 10, 2003 filing by

KU and Louisville Gas and Electric Company (LG&E) for approval of a new tariff, Non-Conforming Load Service (Rate Schedule NCLS).

KU s Rate Schedule NCLS, as proposed, would be applicable to the portion of NAS s load related to the operation of its electric arc furnace, which is currently served by KU under the terms of a power supply contract, which has been in effect since the arc furnace began operation in 2000. On October 15, 2003, NAS moved to intervene in Case No. 2003-00396. On October 16, 2003, it moved to strike portions of KU and LG&E s filing in Case No. 2003-00396 that reference substantive terms and conditions of its existing power supply contract with KU or, in the alternative, that the information sought to be stricken be afforded confidential treatment. It also moved for dismissal of Case No. 2003-00396, claiming that the complaint case is a more appropriate venue to resolve the issues in dispute between the parties.

On October 22, 2003, KU and LG&E responded to NAS s motions. KU and LG&E requested that NAS be permitted to intervene and opposed NAS s request to strike portions of their October 10, 2003 filing. KU and LG&E also requested confidential treatment for Exhibit B.2 to the testimony of F. Howard Bush, submitted as part of their October 10, 2003 filing, which they indicated contained information related to KU s current contract with NAS.¹

On October 30, 2003, the Kentucky Industrial Utility Customers, Inc. (KIUC), which represents several manufacturing customers served by KU and LG&E, was granted intervention in Case No. 2003-00396.

¹ On October 30, 2003, by letter of its Executive Director, the Commission granted KU s request for confidential treatment.

FINDINGS AND ORDERS

The Commission, having considered the filings and the motions filed in the two proceedings, and being otherwise sufficiently advised, finds that:

1. The motion of KU and LG&E to dismiss NAS's complaint against KU should be denied.
2. NAS's motion to dismiss Case No. 2003-00396 should be denied.
3. NAS's motion to strike portions of KU and LG&E's October 10, 2003 filing is rendered moot as a result of the information in question being afforded confidential treatment.
4. NAS's motion to intervene should be granted.
5. Case Nos. 2003-00376 and 2003-00396 should be consolidated, and the record in Case No. 2003-00376 placed into the record of Case No. 2003-00396. Case No. 2003-00376 should be closed and removed from the Commission's docket.

IT IS THEREFORE ORDERED that:

1. The motions to dismiss are denied.
2. Case Nos. 2003-00376 and 2003-00396 are consolidated, and the record in Case No. 2003-00376 is hereby incorporated into Case No. 2003-00396.
3. NAS's motion to intervene is granted.
4. Case No. 2003-00376 is closed and is removed from the Commission's docket.
5. The procedural schedule included in Appendix A to this Order shall be followed in this case.

Done at Frankfort, Kentucky, this 14th day of November, 2003.

By the Commission

ATTEST:


Executive Director

Case No. 2003-00376
Case No. 2003-00396

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2003-00396 DATED November 14, 2003

Initial interrogatories to KU and LG&E shall be filed no later than .	12/01/03
KU and LG&E s responses to initial interrogatories shall be filed no later than..	12/12/03
Supplemental interrogatories to KU and LG&E shall be filed no later than .	12/23/03
KU and LG&E s responses to supplemental interrogatories shall be filed no later than..	. 01/09/04
Intervenor testimony, if any, shall be filed no later than ..	. 01/23/04
Interrogatories to intervenors shall be filed no later than .	02/05/04
Intervenors responses to interrogatories shall be filed no later than	02/17/04
Public Hearing, if necessary .	.to be scheduled at a later date